

23 MAY 1956
84TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
2d Session } No. 2155

AMENDING CIVIL SERVICE ACT OF JANUARY 16, 1883, TO REQUIRE
INCLUSION OF CERTAIN INFORMATION IN EXECUTIVE COM-
MUNICATIONS TO CONGRESS PROPOSING CREATION OR EX-
PANSION OF FUNCTIONS

MAY 14, 1956.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. MURRAY of Tennessee, from the Committee on Post Office and
Civil Service submitted the following

REPORT

[To accompany H. R. 10368]

The Committee on Post Office and Civil Service, to whom was
referred the bill (H. R. 10368) to amend the Civil Service Act of
January 16, 1883, so as to require that certain reports and other com-
munications of the executive branch to Congress contain information
pertaining to the number of civilian officers and employees required
to carry out additional or expanded functions, and for other purposes,
having considered the same, report favorably thereon with amend-
ments and recommend that the bill as amended do pass.

AMENDMENTS

The committee proposes five amendments, as follows:

- (1) Page 2, line 3, strike out "legislation;" and insert in lieu thereof
"legislation which, if enacted, will entail an estimated annual expendi-
ture of appropriated funds in excess of \$1,000,000,";
- (2) Page 2, line 7, strike out "branch; and" and insert in lieu thereof
"branch, and";
- (3) Page 2; line 23, strike out "The" and insert in lieu thereof
"the";
- (4) Page 3, line 9, strike out "Such" and insert in lieu thereof
"such"; and
- (5) Page 3, line 11, immediately before the period insert "or which
may be required by the Congress or a committee thereof".

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PURPOSE OF AMENDMENTS

The amendments proposed by the committee are both technical and substantive.

Amendment numbered (1) provides that the new section 11 (a) of the Civil Service Act of January 16, 1883, as contained in the amendment made by the first section of the bill, shall apply only with respect to each report, recommendation, or other communication (otherwise within the purview of such section 11 (a)) which relates to pending or proposed legislation which, if enacted, will entail an estimated annual expenditure of appropriated funds in excess of \$1 million. The purpose of this amendment is to make applicable to such reports the general policy of the House of Representatives with respect to the cost of legislation considered on the consent calendar.

Amendment numbered (5) provides that each report, recommendation, or other communication (as described in the new section 11 (a) of the Civil Service Act of January 16, 1883, as contained in the first section of the introduced bill) shall set forth such information, other than the foregoing items of information required to be included therein under paragraphs (A) and (B) of such section 11 (a), as the Congress, or any appropriate committee of Congress to which such report is referred may request or require to be included in such report, recommendation, or other communication.

Amendments numbered (2), (3), and (4) are technical in nature and are merely refinements of language and punctuation.

GENERAL STATEMENT

The purpose of this legislation is to assure that each congressional committee is adequately informed as to the cost and manpower implications of major substantive legislation at the time such legislation is being considered.

The Committee on Post Office and Civil Service, through the Subcommittee on Manpower Utilization and Departmental Personnel Management, has conducted extensive hearings and investigations with respect to manpower utilization in the executive branch of the Federal Government. During these hearings statements frequently were made that Congress had directed the hiring of additional personnel to carry out the provisions of new legislation. In a sense this is true. Substantive legislation is recommended by a committee and passed by the Congress. Once this becomes law, the Appropriations Committees are faced with the necessity of providing funds for its administration.

This committee is strongly of the opinion that each committee is entitled to full knowledge of the payroll increases and other costs involved in each major piece of legislation it considers. It is further of the opinion that much seemingly innocuous legislation would be viewed in a different light if the full facts were known from the beginning.

With the purpose in mind of providing more adequate information to each committee, legislation was drafted that would require manpower estimates to be submitted in those cases where cost information was furnished. It was felt that if such cost information had any validity at all, the manpower portion of the cost should be known.

AMENDING CIVIL SERVICE ACT OF JANUARY 12, 1943

The proposed legislation (H. R. 9172 and H. R. 9173) was submitted to the Comptroller General, the United States Civil Service Commission, and the Bureau of the Budget for their comments. In general, their comments were favorable, but each had suggested certain changes. As a result of their suggestions several modifications were made.

LIMITATION TO MAJOR LEGISLATION

The initial bill would have required reports on every proposal to add a new, or to expand an existing, function. In light of the numerous minor proposals submitted to every committee, the committee decided that the legislation should be modified to apply only to major legislation, and accordingly a new bill, H. R. 10368, was introduced.

DETAILS OF REPORTING

The bill requires a brief report that includes an estimate of the man-years of employment by general categories of positions. The use of general categories was adopted to avoid the necessity for detailed listings of specific titles or types of positions as originally proposed. The categories of positions would vary according to the type and size of the functions to be performed. It is intended that the functions be reported under the major headings of "Executive Direction," "Administrative Services and Support," and "Substantive." Under each of these should be shown the general categories of positions such as administrative, stenographic, clerical, accountant, engineer, scientist, technician, mechanic, protective, custodial and so on. Information has been furnished each department and agency pertaining to the various functions and their grouping under the major headings.

The report is required to include estimates of the added expenditures for personal services. This avoids reporting details such as grades and salaries for each position.

An estimate is also required on the expenditure for all purposes other than personal services. During the hearings it was found that, in some cases, unduly large proportions of appropriations were going toward putting employees on the Government payroll. It is the firm belief of the committee that appropriations should be used to benefit the public, not to pad the Federal payroll. In some cases this may mean adding employees. In many others, however, each employee added means a reduction in funds available to benefit the public.

A comparison of personnel costs to total cost is particularly valuable when additional funds are to be appropriated to expand an established function. Such a comparison, when used in combination with the man-year estimates, can show each committee the proportion of funds that will be used in overhead costs for personnel.

COSTS

There is no cost involved in this legislation beyond preparing a brief report on each major proposal involving an expenditure in excess of a million dollars. The committee considers this cost as negligible when compared to the billions of dollars being spent every year for personal services.

The reports of the United States Civil Service Commission, the Bureau of the Budget, and the Comptroller General of the United States follow:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington 25, D. C., May 9, 1956.

HON. TOM MURRAY,
*Chairman, Committee on Post Office and Civil Service,
House of Representatives, United States Congress.*

DEAR MR. MURRAY: This is in reply to your letter of April 11, 1956, requesting the Commission's views on H. R. 10368 (superseding H. R. 9172), a bill to amend the Civil Service Act of January 16, 1883, so as to require that certain reports and other communications of the executive branch to Congress contain information pertaining to the number of civilian officers and employees required to carry out additional or expanded functions, and for other purposes.

The bill provides that all executive branch departments, agencies, and independent establishments (including corporations wholly owned by the United States) except the Central Intelligence Agency, shall include in each report, recommendation, or communication which (1) is submitted to Congress or a committee of Congress and (2) officially proposes or recommends the creation or expansion, by the Congress or by administrative action, of any function, activity, or authority in addition to those existing at that time the following information with respect to such agency:

1. the estimated maximum additional man-years of civilian employment by general categories of positions;
2. the estimated maximum additional expenditures for personal services; and
3. the estimated maximum additional expenditures for all purposes other than personal services.

This information is to be submitted for each of the first 5 fiscal years during which the additional or expanded function, activity, or authority is to be in effect.

We interpret H. R. 10368 as requiring the Commission to submit estimates covering only its own operations—not estimates concerning manpower and costs for other agencies affected by pending or proposed legislation.

We believe it would be feasible for the Commission to comply with the requirements of H. R. 10368 and we appreciate very much the opportunity to have a representative of the Commission participate in the discussions preceding the drafting of this bill.

We would like to point out that the estimates furnished for any years of operation beyond the first may be subject to a wide margin of error. In the first place, the budget represents the President's policy. The Commission, in preparing its budget each year, and the Bureau of the Budget, in reviewing it, rely heavily on the President's assumptions, which are prepared yearly and represent the highest policy decisions. The Commission would not, of course, know what the President's policy for future years would be.

In the second place, actual operating experience under a new or expanded program frequently dictates changes that might invalidate the estimate submitted at the time legislation was being considered.

We understand informally that estimates will be required only on major programs and that the intent of the committee on this point will be stated in its report.

With this understanding, the Commission has no objection to the enactment of H. R. 10368.

The Bureau of the Budget has advised us that there is no objection to the submission of this report to your Committee.

By direction of the Commission.

Sincerely yours,

PHILIP YOUNG, *Chairman.*

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D. C., May 2, 1956.

HON. TOM MURRAY,
*Chairman, Committee on Post Office and Civil Service,
House of Representatives, Old House Office Building,
Washington, D. C.*

MY DEAR MR. CHAIRMAN: This is in reply to your letters of February 10, 1956, requesting the Bureau of the Budget's views on H. R. 9172 and H. R. 9173, identical bills, to amend the Civil Service Act of January 16, 1883, so as to require that certain reports and other communications of the executive branch to Congress contain information pertaining to the number of civilian officers and employees required to carry out additional or expanded functions, and for other purposes, and your subsequent letter of April 11, 1956, pertaining to H. R. 10368, an amended version of the above bills. We will limit our comments to the latter bill, which reflects the results of various informal conferences on the subject.

The Bureau of the Budget agrees that the Congress should have pertinent information on which it can base its decision concerning proposed new legislation. We concur with the philosophy implied in these bills that an authorization for a new substantive program is not a blanket license to hire new personnel, and that there must be limitations on new hirings. The appropriations process provides the basic means of control. In addition our budgetary program review, apportionment procedure, and numerous other administrative regulations all are directed to this same purpose.

H. R. 10368 appears to be directed to the objectives indicated above. However, it would seem appropriate to raise certain questions for your consideration:

1. Would this same purpose be achieved by requiring that a post-audit be submitted to the Congress by every agency within 1 year after enactment of new legislation?

Comment: We have some concern that an advance estimate will unnecessarily freeze at a high level personnel estimates made by the various departments; this might add an undesirable element of budgetary inflexibility.

2. If the idea of a postaudit is not satisfactory to the Congress, would it be worthwhile considering a formula which would require personnel estimates only on bills which are reported out by a substantive committee?

Comment: Although the revised bill now eliminates the necessity for comments from all agencies on a particular piece of proposed new legislation, we still have some concern that a great many man-hours

of time could be devoted to the preparation of personnel estimates on proposed legislation which is either (a) not enacted or (b) substantially amended as a result of committee hearings and congressional action.

3. Would it be better to modify the requirement that all projections of personnel estimates be for a period of 5 years?

Comment: We believe that the most significant figure as to employment under a new program is the level of personnel required for the first year of full operation of the program. It is our experience that this level is reached in a shorter period than 5 years after the program begins, usually a year or 2 after initiation. In such cases it is questionable whether projections beyond this point are useful; they become increasingly speculative with each year and the figures could be quite unrealistic.

4. What is meant by "general categories of positions"?

Comment: Although this phrasing is an improvement over the earlier draft which called for a breakdown of proposed new personnel by position classification, the difficulties indicated in 2 and 3 above are underlined when personnel estimates must be by categories.

We would be glad to discuss these basic questions in greater detail with your committee if you so desire.

Sincerely yours,

ROBERT E. MERRIAM,
Assistant to the Director.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, April 20, 1956.

Hon. TOM MURRAY,
*Chairman, Committee on Post Office and Civil Service,
House of Representatives.*

DEAR MR. CHAIRMAN: Your letter of April 11, 1956, acknowledged April 13, requests our report on H. R. 10368, which is designed for the same general purpose as H. R. 9172 and H. R. 9173 upon which we reported to your committee on February 24, 1956.

As stated in our letter of February 24, we are in accord with the general objectives of legislation requiring that certain reports and other communications, submitted to the Congress by any executive agency, relating to pending or proposed legislation contain information concerning the number of civilian employees necessary to carry out any recommended expansion of the functions, activities, or authority of any such department or agency. Also, we consider the language of the present bill to be preferable to that contained in H. R. 9172 and H. R. 9173. Not only is the present language more precise and direct but it is less restrictive in that it does not contemplate that the required estimates be based upon specific positions, grades, and salaries. In that connection we understand that your committee's report on H. R. 10368 will clarify the intended meaning of the term "general categories of positions" used in the bill. We consider that the inclusion of such a clarifying explanation in the report is highly desirable.

The bill as drafted seems to require the furnishing of estimates of personnel only by the departments, agencies, or establishments that officially propose or recommend the creation or expansion of a function, activity, or authority. However, the personnel requirements and personnel costs of agencies or establishments other than those proposing or recommending the creation or expansion of a function, activity, or authority may be affected by the legislation. If it is

the intent of your committee that the estimates required by the bill be furnished by all agencies whose personnel requirements and costs are affected, it would be desirable to amend the bill to so provide or, at least, to explain fully in your committee's report the exact extent to which the reports of agencies other than those which will participate in the expanded function, activity, or authority should include personnel estimates and costs.

We also recommend that your committee's report on H. R. 10368 emphasize the fact that this bill will in no way lessen an agency's responsibility to justify budgetary estimates for appropriations to carry out new or expanded functions, activities, or authority authorized by any act of Congress.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

CHANGES IN EXISTING LAW

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as introduced, are shown as follows (new matter is printed in italics, existing law in which no change is proposed is shown in roman):

CIVIL SERVICE ACT OF JANUARY 16, 1883

AN ACT To regulate and improve the civil service of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized to appoint, by and with the advice and consent of the Senate, three persons, not more than two of whom shall be adherents of the same party, as Civil Service Commissioners, and said three commissioners shall constitute the United States Civil Service Commission. Said commissioners shall hold no other official place under the United States.

The President may remove any commissioner; and any vacancy in the position of commissioner shall be so filled by the President, by and with the advice and consent of the Senate, as to conform to said conditions for the first selection of commissioners.

The commissioners shall each receive a salary of three thousand five hundred dollars a year.¹ And each of said commissioners shall be paid his necessary traveling expenses incurred in the discharge of his duty as a commissioner.

SEC. 2. That it shall be the duty of said commissioners:

First. To aid the President, as he may request, in preparing suitable rules for carrying this act into effect, and when said rules shall have been promulgated it shall be the duty of all officers of the United States in the departments and offices to which any such rules may relate to aid, in all proper ways, in carrying said rules, and any modifications thereof, into effect.

Second. And, among other things, said rules shall provide and declare, as nearly as the conditions of good administration will warrant, as follows:

¹ The rate of basic compensation of the Chairman of the Commission has been fixed at \$16,000, and of the other members of the Commission at \$15,000, by Public Law 359, 81st Cong., approved October 15, 1949.

First, for open, competitive examinations for testing the fitness of applicants for the public service now classified or to be classified hereunder. Such examinations shall be practical in their character, and so far as may be shall relate to those matters which will fairly test the relative capacity and fitness of the persons examined to discharge the duties of the service into which they seek to be appointed.

Second, that all the offices, places, and employments so arranged or to be arranged in classes shall be filled by selections according to grade from among those graded highest as the results of such competitive examinations.

Third, appointments to the public service aforesaid in the departments at Washington shall be apportioned among the several States and Territories and the District of Columbia upon the basis of population as ascertained at the last preceding census. Hereafter every application for examination before the Civil Service Commission for appointment in the departmental service in the District of Columbia shall be accompanied by a certificate of an officer, with his official seal attached, of the county and State of which the applicant claims to be a citizen, that such applicant was, at the time of making such application, a legal or voting resident of said State, and had been such resident for a period of not less than one year next preceding, or a statement under oath setting forth his or her legal or voting residence for one year next preceding the time of making such application, and such statement shall be accompanied by letters from three reputable citizens of the State in which residence is claimed, corroborating such statement, but this provision shall not apply to persons who may be in the service with civil-service status and seek promotion or appointment in other branches of the Government.

Fourth, that there shall be a period of probation before any absolute appointment or employment aforesaid.

Fifth, that no person in the public service is for that reason under any obligations to contribute to any political fund, or to render any political service, and that he will not be removed or otherwise prejudiced for refusing to do so.

Sixth, that no person in said service has any right to use his official authority or influence to coerce the political action of any person or body.

And no person shall be discriminated against in any case because of his or her marital status in examination, appointment, reappointment, reinstatement, reemployment, promotion, transfer, retransfer, demotion, removal, or retirement. All acts or parts of acts inconsistent herewith are hereby repealed.

Seventh, there shall be noncompetitive examinations in all proper cases before the Commission, when competent persons do not compete, after notice has been given of the existence of the vacancy, under such rules as may be prescribed by the commissioners as to the manner of giving notice.

Eighth, that notice shall be given in writing by the appointing power to said Commission of the persons selected for appointment or employment from among those who have been examined, of the place of residence of such persons, of the rejection of any such persons after probation, of transfers, resignations, and removals, and of the date thereof, and a record of the same shall be kept by said Commission. And any necessary exceptions from said eight fundamental provisions

of the rules shall be set forth in connection with such rules, and the reasons therefor shall be stated in the annual reports of the Commission.

Ninth, that no person shall be discriminated against in any case because of any physical handicap, in examination, appointment, reappointment, reinstatement, reemployment, promotion, transfer, retransfer, demotion, or removal, with respect to any position the duties of which, in the opinion of the Civil Service Commission, may be efficiently performed by a person with such a physical handicap: *And provided further*, That such employment will not be hazardous to the appointee or endanger the health or safety of his fellow employees or others.

Third. Said Commission shall, subject to the rules that may be made by the President, make regulations for, and have control of, such examinations, and, through its members or the examiners, it shall supervise and preserve the records of the same; and said Commission shall keep minutes of its own proceedings.

Fourth. Said Commission may make investigations concerning the facts, and may report upon all matters touching the enforcement and effects of said rules and regulations, and concerning the action of any examiner or board of examiners hereinafter provided for, and its own subordinates, and those in the public service, in respect to the execution of this act.

Fifth. Said Commission shall make an annual report to the President for transmission to Congress, showing its own action, the rules and regulations and the exceptions thereto in force, the practical effects thereof, and any suggestions it may approve for the more effectual accomplishment of the purposes of this act.

Sec. That said Commission is authorized to employ a chief examiner,² a part of whose duty it shall be, under its direction, to act with the examining boards, so far as practicable, whether at Washington or elsewhere, and to secure accuracy, uniformity, and justice in all their proceedings, which shall be at all times open to him. The chief examiner shall be entitled to receive a salary at the rate of three thousand dollars a year, and he shall be paid his necessary traveling expenses incurred in the discharge of his duty. The Commission shall have a secretary, to be appointed by the President, who shall receive a salary of one thousand six hundred dollars per annum.² It may, when necessary, employ a stenographer and a messenger, who shall be paid, when employed, the former at the rate of one thousand six hundred dollars a year, and the latter at the rate of six hundred dollars a year. The Commission shall, at Washington, and in one or more places in each State and Territory where examinations are to take place, designate and select a suitable number of persons, not less than three, in the official service of the United States, residing in said State or Territory, after consulting the head of the department or office in which such persons serve, to be members of boards of examiners, and may at any time substitute any other person in said service living in such State or Territory in the place of anyone so selected. Such boards of examiners shall be so located as to make it reasonably convenient and inexpensive for applicants to attend before them; and where there are persons to be examined in any State or Territory,

² See Reorganization Plan No. 5 of 1949.

examinations shall be held therein at least twice in each year. It shall be the duty of the collector, postmaster, and other officers of the United States, at any place outside of the District of Columbia where examinations are directed by the President or by said board to be held, to allow the reasonable use of the public buildings for holding such examinations, and in all proper ways to facilitate the same.

SEC. 4. That it shall be the duty of the Secretary of the Interior to cause suitable and convenient rooms and accommodations to be assigned or provided, and to be furnished, heated, and lighted, at the city of Washington, for carrying on the work of said Commission and said examinations, and to cause the necessary stationery and other articles to be supplied, and the necessary printing to be done for said Commission.³

SEC. 5. That any said commissioner, examiner, copyist, or messenger, or any person in the public service who shall willfully and corruptly, by himself or in cooperation with one or more other persons, defeat, deceive, or obstruct any person in respect of his or her right of examination according to any such rules or regulations, or who shall willfully, corruptly, and falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined hereunder, or aid in so doing, or who shall willfully and corruptly make any false representations concerning the same or concerning the person examined, or who shall willfully and corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, or to be examined, being appointed, employed, or promoted, shall for each such offense be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars, nor more than one thousand dollars, or by imprisonment not less than ten days, nor more than one year, or by both such fine and imprisonment.

SEC. 6. That within sixty days after the passage of this act it shall be the duty of the Secretary of the Treasury, in as near conformity as may be to the classification of certain clerks now existing under the one hundred and sixty-third section of the Revised Statutes, to arrange in classes the several clerks and persons employed by the collector, naval officer, surveyor, and appraisers, or either of them, or being in the public service, at their respective offices in each customs district where the whole number of said clerks and persons shall be altogether as many as fifty. And thereafter, from time to time, on the direction of the President, said Secretary shall make the like classification or arrangement of clerks and persons so employed, in connection with any said office or offices, in any other customs district. And, upon like request, and for the purposes of this act, said Secretary shall arrange in one or more of said classes, or of existing classes, any other clerks, agents, or persons employed under his Department in any said district not now classified; and every such arrangement and classification upon being made shall be reported to the President.

³ The act of May 29, 1920 (41 Stat. 642; 40 U. S. C. 42), provides as follows:
"The duty placed upon the Secretary of the Interior by section 4 of an act entitled 'An act to regulate and improve the civil service of the United States', approved January 16, 1883, shall be performed on and after July 1, 1920, by the Civil Service Commission."

Second. Within said sixty days it shall be the duty of the Postmaster General, in general conformity to said one hundred and sixty-third section, to separately arrange in classes the several clerks and persons employed, or in the public service, at each post office, or under any postmaster of the United States, where the whole number of said clerks and persons shall together amount to as many as fifty. And thereafter, from time to time, on the direction of the President, it shall be the duty of the Postmaster General to arrange in like classes the clerks and persons so employed in the Postal Service in connection with any other post office; and every such arrangement and classification upon being made shall be reported to the President.

Third. That from time to time said Secretary, the Postmaster General, and each of the heads of departments mentioned in the one hundred and fifty-eighth section of the Revised Statutes, and each head of an office, shall, on the direction of the President, and for facilitating the execution of this act, respectively revise any then existing classification or arrangement of those in their respective departments and offices, and shall, for the purposes of the examination herein provided for, include in one or more of such classes, so far as practicable, subordinate places, clerks, and officers in the public service pertaining to their respective departments not before classified for examination.

SEC. 7. That after the expiration of six months from the passage of this act no officer or clerk shall be appointed, and no person shall be employed to enter or be promoted in either of the said classes now existing, or that may be arranged hereunder pursuant to said rules, until he has passed an examination, or is shown to be specially exempted from such examination in conformity herewith. But nothing herein contained shall be construed to take from those honorably discharged from the military or naval service any preference conferred by the seventeen hundred and fifty-fourth section of the Revised Statutes,⁴ nor to take from the President any authority not inconsistent with this act conferred by the seventeen hundred and fifty-third section of said statutes; nor shall any officer not in the executive branch of the Government, or any person merely employed as a laborer or workman, be required to be classified hereunder;⁵ nor, unless by direction of the Senate, shall any person who has been nominated for confirmation by the Senate be required to be classified or to pass an examination.⁶

SEC. 8. That no person habitually using intoxicating beverages to excess shall be appointed to, or retained in, any office, appointment, or employment to which the provisions of this act are applicable.

SEC. 9. That whenever there are already two or more members of a family in the public service in the grades covered by this act, no other member of such family shall be eligible to appointment to any of said grades.

SEC. 10. That no recommendation of any person who shall apply for office or place under the provisions of this act which may be given by any Senator or Member of the House of Representatives, except

⁴ Section 1754 of the Revised Statutes (5 U. S. C. 35) granted preference in appointments to civil offices to "persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty."

⁵ In minute 2 of March 6, 1941, the Commission held that unclassified laborer positions may be included in the competitive service under the act of November 26, 1940 (54 Stat. 1211; 5 U. S. C. 631a).

⁶ The act of June 25, 1938 (52 Stat. 1076; 39 U. S. C. 31), as amended, provides for the appointment in accordance with the provisions of the Civil Service Act and rules of Presidential postmasters

as to the character or residence of the applicant, shall be received or considered by any person concerned in making any examination or appointment under this act.

Sec. 11. (a) Each report, recommendation, or other communication, of an official nature, of any department, agency, or independent establishment of the executive branch of the Federal Government (including any corporation wholly owned by the United States) which—

(1) relates to pending or proposed legislation;

(2) is submitted or transmitted to the Congress or any committee thereof in compliance with law or on the initiative of the appropriate authority of the executive branch; and

(3) officially proposes or recommends the creation or expansion, either by action of the Congress or by administrative action, of any function, activity, or authority of any such department, agency, independent establishment, or corporation, to be in addition to those functions, activities, and authorities thereof existing at the time such report, recommendation, or communication is submitted or transmitted to the Congress or any committee thereof,

shall contain a statement, with respect to such department, agency, independent establishment, or corporation, for each of the first five fiscal years during which each such additional or expanded function, activity, or authority so proposed or recommended is to be in effect, disclosing the following information:

(A) The estimated maximum additional—

(i) man-years of civilian employment, by general categories of positions,

(ii) expenditures for personal services, and

(iii) expenditures for all purposes other than personal services, which are attributable to such function, activity, or authority and which will be required to be effected by such department, agency, independent establishment, or corporation in connection with the performance of such function, activity, or authority, and

(B) Such other statement, discussion, explanation, or other information as may be deemed advisable by the appropriate authority of the executive branch.

(b) Subsection (a) of this section shall not apply to the Central Intelligence Agency.

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